

DOWD, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

Home Savings and Loan Company of
Youngstown, Ohio,

Plaintiff,

V.

Richard A. Mackewitz, et al.,

Defendants.

CASE NO. 4:09 CV 1683

MEMORANDUM OPINION AND
ORDER

This case was referred to Magistrate Judge Limbert for general pre-trial supervision.

ECF 10. Plaintiff Home Savings and Loan Company of Youngstown, Ohio (Home Savings) filed a motion for default judgment (ECF 12) and Magistrate Judge Limbert issued a Report and Recommendation (ECF 13) recommending a hearing on damages. Home Savings then filed a proposed entry of judgment by default and included an affidavit in support of plaintiff's position that it was entitled to default judgment for a sum certain. ECF 14.

In light of the affidavit subsequently filed by plaintiff in support of a sum certain, Magistrate Judge Limbert issued an Amended Report and Recommendation (ECF 16) recommending that the Court enter default judgment in favor of plaintiff as follows:

Judgment is hereby entered in favor of Plaintiff Home Savings & Loan Company of Youngstown, Ohio and against Defendants Richard A. Mackewitz and Patricia L. Mackewitz in the amount of \$165,680.66 plus interest at the contractual rate of \$29.33 from July 15, 2009 to the date of this judgment. Plaintiff is hereby awarded ownership of the Motor Bus, described as follows:

(4:09 CV 1683)

Make: Monaco
Year: 2004
Model: Diplomat
Body Type: MH
VIN No. 1RF42454342030059

Under the relevant rule, any objection to Magistrate Judge Limbert's Amended Report and Recommendation must be filed within fourteen (14) days of service. Magistrate Judge Limbert's Amended Report and Recommendation was filed on January 21, 2010 and mailed to defendants on that same date. Fed. R. Civ. P. 72. No objection has been filed. The failure to file written objections to a Magistrate Judge's report and recommendation constitutes a waiver of a *de novo* determination by the district court of any issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Limbert's Amended Report and Recommendation and adopts the same, with the exception that the contractual interest rate will be modified from "\$29.33" to "6.75% annually" to reflect the actual language of the contract at issue.

The Court will separately publish a Judgment Entry. The Clerk is directed to mail a copy of this Memorandum Opinion and Order to the defendants at their address of record.

IT IS SO ORDERED.

February 18, 2010
Date

s/ David D. Dowd, Jr.
David D. Dowd, Jr.
U.S. District Judge